

## SENATE BILL No. 167

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-22.5-1-2; IC 25-23-1-30.

**Synopsis:** Certified registered nurse anesthetists. Allows a certified registered nurse anesthetist to administer anesthesia under the direction and in the immediate presence of a podiatrist if the administration of the anesthesia takes place in a hospital and a physician is available to respond immediately in person to a medical emergency.

**Effective:** July 1, 2015.

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## Miller Patricia

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January 6, 2015, read first time and referred to Committee on Health & Provider Services.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 167



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-22.5-1-2, AS AMENDED BY P.L.232-2013,  
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 2. (a) This article, as it relates to the unlawful or  
4 unauthorized practice of medicine or osteopathic medicine, does not  
5 apply to any of the following:  
6 (1) A student in training in a medical school approved by the  
7 board, or while performing duties as an intern or a resident in a  
8 hospital under the supervision of the hospital's staff or in a  
9 program approved by the medical school.  
10 (2) A person who renders service in case of emergency where no  
11 fee or other consideration is contemplated, charged, or received.  
12 (3) A paramedic (as defined in IC 16-18-2-266), an advanced  
13 emergency medical technician (as defined in IC 16-18-2-6.5), an  
14 emergency medical technician (as defined in IC 16-18-2-112), or  
15 a person with equivalent certification from another state who  
16 renders advanced life support (as defined in IC 16-18-2-7), or



- 1 basic life support (as defined in IC 16-18-2-33.5):
- 2 (A) during a disaster emergency declared by the governor
- 3 under IC 10-14-3-12 in response to an act that the governor in
- 4 good faith believes to be an act of terrorism (as defined in
- 5 IC 35-31.5-2-329); and
- 6 (B) in accordance with the rules adopted by the Indiana
- 7 emergency medical services commission or the disaster
- 8 emergency declaration of the governor.
- 9 (4) Commissioned medical officers or medical service officers of
- 10 the armed forces of the United States, the United States Public
- 11 Health Service, and medical officers of the United States
- 12 Department of Veterans Affairs in the discharge of their official
- 13 duties in Indiana.
- 14 (5) An individual who is not a licensee who resides in another
- 15 state or country and is authorized to practice medicine or
- 16 osteopathic medicine there, who is called in for consultation by an
- 17 individual licensed to practice medicine or osteopathic medicine
- 18 in Indiana.
- 19 (6) A person administering a domestic or family remedy to a
- 20 member of the person's family.
- 21 (7) A member of a church practicing the religious tenets of the
- 22 church if the member does not make a medical diagnosis,
- 23 prescribe or administer drugs or medicines, perform surgical or
- 24 physical operations, or assume the title of or profess to be a
- 25 physician.
- 26 (8) A school corporation and a school employee who acts under
- 27 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 28 (9) A chiropractor practicing the chiropractor's profession under
- 29 IC 25-10 or to an employee of a chiropractor acting under the
- 30 direction and supervision of the chiropractor under IC 25-10-1-13.
- 31 (10) A dental hygienist practicing the dental hygienist's profession
- 32 under IC 25-13.
- 33 (11) A dentist practicing the dentist's profession under IC 25-14.
- 34 (12) A hearing aid dealer practicing the hearing aid dealer's
- 35 profession under IC 25-20.
- 36 (13) A nurse practicing the nurse's profession under IC 25-23.
- 37 However, a certified registered nurse anesthetist (as defined in
- 38 IC 25-23-1-1.4) may administer anesthesia if the certified
- 39 registered nurse anesthetist ~~acts under the direction of and in the~~
- 40 ~~immediate presence of a physician.~~ **meets the requirements set**
- 41 **forth in IC 25-23-1-30.**
- 42 (14) An optometrist practicing the optometrist's profession under



- 1 IC 25-24.  
 2 (15) A pharmacist practicing the pharmacist's profession under  
 3 IC 25-26.  
 4 (16) A physical therapist practicing the physical therapist's  
 5 profession under IC 25-27.  
 6 (17) A podiatrist practicing the podiatrist's profession under  
 7 IC 25-29.  
 8 (18) A psychologist practicing the psychologist's profession under  
 9 IC 25-33.  
 10 (19) A speech-language pathologist or audiologist practicing the  
 11 pathologist's or audiologist's profession under IC 25-35.6.  
 12 (20) An employee of a physician or group of physicians who  
 13 performs an act, a duty, or a function that is customarily within  
 14 the specific area of practice of the employing physician or group  
 15 of physicians, if the act, duty, or function is performed under the  
 16 direction and supervision of the employing physician or a  
 17 physician of the employing group within whose area of practice  
 18 the act, duty, or function falls. An employee may not make a  
 19 diagnosis or prescribe a treatment and must report the results of  
 20 an examination of a patient conducted by the employee to the  
 21 employing physician or the physician of the employing group  
 22 under whose supervision the employee is working. An employee  
 23 may not administer medication without the specific order of the  
 24 employing physician or a physician of the employing group.  
 25 Unless an employee is licensed or registered to independently  
 26 practice in a profession described in subdivisions (9) through  
 27 (18), nothing in this subsection grants the employee independent  
 28 practitioner status or the authority to perform patient services in  
 29 an independent practice in a profession.  
 30 (21) A hospital licensed under IC 16-21 or IC 12-25.  
 31 (22) A health care organization whose members, shareholders, or  
 32 partners are individuals, partnerships, corporations, facilities, or  
 33 institutions licensed or legally authorized by this state to provide  
 34 health care or professional services as:  
 35 (A) a physician;  
 36 (B) a psychiatric hospital;  
 37 (C) a hospital;  
 38 (D) a health maintenance organization or limited service  
 39 health maintenance organization;  
 40 (E) a health facility;  
 41 (F) a dentist;  
 42 (G) a registered or licensed practical nurse;



- 1 (H) a certified nurse midwife or a certified direct entry  
 2 midwife;  
 3 (I) an optometrist;  
 4 (J) a podiatrist;  
 5 (K) a chiropractor;  
 6 (L) a physical therapist; or  
 7 (M) a psychologist.
- 8 (23) A physician assistant practicing the physician assistant  
 9 profession under IC 25-27.5.
- 10 (24) A physician providing medical treatment under section 2.1  
 11 of this chapter.
- 12 (25) An attendant who provides attendant care services (as  
 13 defined in IC 16-18-2-28.5).
- 14 (26) A personal services attendant providing authorized attendant  
 15 care services under IC 12-10-17.1.
- 16 (27) A respiratory care practitioner practicing the practitioner's  
 17 profession under IC 25-34.5.
- 18 (b) A person described in subsection (a)(9) through (a)(18) is not  
 19 excluded from the application of this article if:
- 20 (1) the person performs an act that an Indiana statute does not  
 21 authorize the person to perform; and
- 22 (2) the act qualifies in whole or in part as the practice of medicine  
 23 or osteopathic medicine.
- 24 (c) An employment or other contractual relationship between an  
 25 entity described in subsection (a)(21) through (a)(22) and a licensed  
 26 physician does not constitute the unlawful practice of medicine under  
 27 this article if the entity does not direct or control independent medical  
 28 acts, decisions, or judgment of the licensed physician. However, if the  
 29 direction or control is done by the entity under IC 34-30-15 (or  
 30 IC 34-4-12.6 before its repeal), the entity is excluded from the  
 31 application of this article as it relates to the unlawful practice of  
 32 medicine or osteopathic medicine.
- 33 (d) This subsection does not apply to a prescription or drug order for  
 34 a legend drug that is filled or refilled in a pharmacy owned or operated  
 35 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 36 who permits or authorizes a person to fill or refill a prescription or drug  
 37 order for a legend drug except as authorized in IC 16-42-19-11 through  
 38 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
 39 person who violates this subsection commits the unlawful practice of  
 40 medicine under this chapter.
- 41 (e) A person described in subsection (a)(8) shall not be authorized  
 42 to dispense contraceptives or birth control devices.



1 SECTION 2. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,  
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 30. (a) A certified registered nurse anesthetist may  
4 administer anesthesia if the certified registered nurse anesthetist acts  
5 under the direction of and in the immediate presence of:

6 (1) a physician **licensed under IC 25-22.5; or**

7 (2) a podiatrist **licensed under IC 25-29, if:**

8 (A) **the administration of the anesthesia takes place in a**  
9 **hospital; and**

10 (B) **a physician licensed under IC 25-22.5 is available to**  
11 **respond immediately and in person to a medical**  
12 **emergency.**

13 (b) Nothing in this chapter shall be construed as requiring a certified  
14 registered nurse anesthetist to obtain prescriptive authority to  
15 administer anesthesia under subsection (a).

